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ADDRESS

BY

CHAUNCEY B. RIPLEY

ON THE PRESENTATION OF THE  
MEMORIAL PORTRAIT OF

JOHN NORTON POMEROY, LL.D.

TO

THE COUNCIL OF THE UNIVERSITY  
OF THE CITY OF NEW YORK.

1888.







MR. PRESIDENT AND GENTLEMEN OF THE COUNCIL OF THE  
UNIVERSITY OF THE CITY OF NEW YORK:

YOU have done well to assign a place in the Portrait Gallery of this University to the likeness of Professor Pomeroy. JOHN NORTON POMEROY was a child of genius. The walls of the Chancellor's Room are already well-nigh covered with the paintings of familiar faces—faces of men who have here and elsewhere distinguished themselves in the various departments of Art, of Science and of Letters. These portraits are suspended here as memorials of the persons they represent, the esteem in which they are held by the alumni, the officers, the patrons and friends of this institution of learning.

You, gentlemen, who to-day constitute the Council, and by whose invitation I am here present bearing a fresh memorial, may well be proud of the men whose features, portrayed by brush and pencil, adorn these walls within which you are accustomed to deliberate. We are justly proud of the virtues, the genius and the achievements of our FRELINGHUYSEN, our PROFESSOR MORSE and our JOHN W. DRAPER. It is fit and commendable that the memory of these, and men like these, who in their time have added new lustre to the escutcheon of our University, be perpetuated by memorials of their name and fame. Thus are we continually reminded of the excellence of their character and the usefulness of their lives. Thus are the high standards they heretofore set up for us kept constantly within our view. In harmony with such a custom, in itself so proper and praiseworthy, and pursuant to the spontaneous expressions of his former students

and other friends here in the East as well, a memorial portrait of Professor Pomeroy has been provided by us for presentation. This we have done with the approval of the Council and a promise on your part to give it a place among the likenesses of other worthies who have served in the faculties of this University. Well has our friend and preceptor earned this tribute of honor to his memory. Well may those who were under his tuition here, delight to participate in this memorial offering.

Twenty-five years ago Mr. Pomeroy wrote his *Introduction to Municipal Law*. He was then a young man of thirty-five. He was a lawyer, but he was without practice. He was a scholar, but his learning had thus far availed little in affording him an income. He had a rising family depending upon him for support. He published his book in 1864, and dedicated it to Dr. Martin B. Anderson, a literary friend, at whose suggestion the work was undertaken. Mr. Vanderpoel interested himself in the young author, examined the book and declared it to be a work of merit. He took Mr. Pomeroy by the hand and nominated him for a professorship in the Law Department of this University. He was elected the same year and became Dean of the Law Faculty. Such was the beginning of the career of John Norton Pomeroy as an author and professor. He continued the writing of law books till his death, February 25, 1885. His series reached eight separate works, comprising eleven volumes. They are:

1. Introduction to Municipal Law ;
2. Constitutional Law of the United States ;
3. Sedgwick's Statutory and Constitutional Law, Second edition, Notes by J. N. Pomeroy ;
4. Remedies and Remedial Rights ;

5. Treatise on Criminal Procedure, Pleading and Evidence; Archbold, Eighth edition, two vols., Notes and Cases by J. N. Pomeroy;
6. Treatise on the Specific Performance of Contracts;
7. Treatise on Equity Jurisprudence, three vols.;
8. International Law.

Besides these treatises and other works specified above, Professor Pomeroy's writings include contributions to the *North American Review*, the *American Law Review*, the *Nation*, and most of the legal articles in *Johnson's Encyclopædia*. During the latter part of his life he was engaged in some large and important cases as counsel before the United States Circuit Court of California; notably the Débris case, so called, and the Railroad Tax cases. He was for several years editor of the *West Coast Reporter*. From 1878 to the time of his death he was Professor of Municipal Law in the Hastings Law College of the University of California.\*

Professor Pomeroy had many qualities which endeared him to his friends. He was always dignified, but utterly free from pretension. He was outspoken, but modest and gentle. He was genial and charming in his companionship. His associates, for the most part, were persons related to him in some professional or literary way. He was always happy when his students were about him. He could even write a lecture while they were holding moot court in the same room, and would declare he was not interrupted. He was the friend of every student and every student was his friend. He never outgrew his friendship for his graduates.

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\* An interesting biographical sketch of Professor Pomeroy, with a detailed list of his legal works and other writings, has been prepared by his son, Carter P. Pomeroy, Esq., of the San Francisco bar, and is appended. The sketch was prepared by request, and will be filed with the Council of the University, as a part hereof. See Appendix, page 17.

He would examine their briefs after they had been in practice for years, and advise them as if he were their elder brother. He had the confidence, the esteem, the love even, of those he instructed. It was so here in the University of the City of New York; it was the same in the University of California. We of this school furnish a Memorial Portrait in token of friendship for our dead Professor—the alumni on the Pacific Coast have erected to his memory a Monument of Granite.

Who can gainsay the significance of these beautiful tributes, or resist the conclusion to which they inevitably tend. Show me, you who have cared especially for the interests of this University in its various departments, with its many faculties and long roll of students, selecting and appointing from time to time its numerous professors, aided in your judgment as you are by the experience of years—show me, I say, a professor who, through twenty years, has held, unimpaired, the affectionate esteem of every class he has graduated, and holds it till death and the grave, and I will show you a successful educator, a teacher whose value is not to be estimated. The Roman poet touched one of the tenderest chords of our nature in the utterance of a sentiment in which he implored the gods that the sod be permitted to rest lightly on the ashes of the honored teacher. How akin to this beautiful sentiment, after the lapse of two thousand years, is the sentiment figuratively spoken on the two shores of our continent by the grateful disciples of John Norton Pomeroy.

Professor Pomeroy, as we have seen, practically entered upon his life-work at the age of thirty-five. He died at the age of fifty-six. The period within which he accomplished these extraordinary results was therefore the short space of twenty-one years. When we consider the number of volumes he wrote, the immense labor involved in work of

that character, his other literary writings, and the almost constant duties performed in the law schools with his classes, the results seem almost as fabulous as the feats of fairies in Eastern tales. It has been truly said, with reference to these facts, that most of our great legal authors wrote their books after reaching the age at which this remarkable man died. It is true, too, that our great writers in legal science, as a rule, have ripened for their work during long terms of judicial service on the bench. Not so with Professor Pomeroy. What he did was done in the recluseness of his own study, single handed and alone. What might he have accomplished, had he sat as a judge, and been aided for a quarter of a century by the briefs and arguments of counsel, and lived an ordinary life-time. Herbert Spencer, that great philosopher of modern times, than whom few have ever accomplished more in the same period, comments thus: "‘But we that have but span-long lives’ must ever bear in mind our limited time for acquisition. Had we time to master all subjects, we need not be particular. To quote the old song—

Could man be secure  
That his days would endure,  
As of old, for a thousand long years,  
What things might he know!  
What deeds might he do!  
And all without hurry or care.” \*

Nor was Professor Pomeroy of those whose worldly prosperity divests of cares and solitudes. Whatever he accomplished or acquired was by dint of patient, persistent, thorough intellectual hard work. No royal road to fortune or to fame was ever opened up to him. He might have

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\*EDUCATION. Spencer. Time of Application Limited, p. 29. New York : D. Appleton & Company.

appropriated, with great aptness, the opening lines of Beattie's Minstrel—

Ah! who can tell how hard it is to climb  
The steep where Fame's proud temple shines afar;  
Ah! who can tell how many a soul sublime  
Has felt the influence of malignant star,  
And waged with fortune an eternal war!

Hard though it was, he climbed that steep. In the prime and vigor of life, he had reached the proud temple. By superior powers and untiring industry, he carved high up a niche for himself alongside the great jurists of modern times.

Apart from his students, Professor Pomeroy sought little society except that of accomplished jurists and scholars, whose contact was elevating and beneficial in his capacity as a teacher and writer. Reckoned among the number of his friends and those who rendered him aid in his literary work, were Dr. Martin B. Anderson, President of the University of Rochester, and Aaron J. Vanderpoel, Esq., already mentioned; the late Chief Justice Salmon P. Chase; Horace Binney; Associate Justice Stephen J. Field of the United States Supreme Court; Senator Joseph R. Hawley of Connecticut and President Theodore Woolsey of Yale College.

Mr. Justice Matthew P. Deady, United States Circuit Judge, writes from Portland, Oregon, respecting the memorial portrait of Professor Pomeroy:

“The University of the City of New York honors itself by giving his picture a place in its gallery of worthies. His argument in the *Débris* case before our court was a masterly and exhaustive presentation of a great case. His books are the best evidence of his attainments and ability. They are a living and lasting monument to his fame.”

Mr. Justice Lorenzo Sawyer, United States Circuit Judge, in a tribute written from San Francisco, California, says:

"Professor Pomeroy loved the law, and devoted his life to maturing the science and the elucidation of its principles for the benefit of others. He was a patient, persistent, conscientious, thorough and able investigator. He touched no branch of the law that he did not illuminate and make clear to the comprehension of all seeking information in the line of his labors. His works, and especially his work on equity jurisprudence, are eminently satisfactory. Professor Pomeroy was a popular, as well as an unusually able and successful instructor in the law. His pupils loved and revered him."

Theodore S. Woolsey, Professor of International Law in the Yale Law School, says of Professor Pomeroy's Lectures on International Law:

"The author, more like a continental jurist, though avoiding the continental jurist's tendency to baseless theorization, while illustrating and carrying into detail the principles under discussion, delights in the work preliminary to this, in clear definition, orderly arrangement and exact classification, and the search for the sources and logical results of principles which cannot change. His treatise, thus viewed, will be found a profound and original study of the sources and fundamental principles of international law, rather than a mere compendium of the accepted rules for the guidance of nations in their daily, peaceful intercourse."\*

Speaking for the venerable Theodore Woolsey, Professor Woolsey says:

"My father, President Woolsey, I regret to say, is not in a state of health to do more than express, through me, his

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\*INTERNATIONAL LAW, Pomeroy. Edited by Theodore S. Woolsey. Preface, p. viii.

high appreciation of Professor Pomeroy's abilities, and of his eminence as a publicist."

Mr. Justice Field, writing from Washington a long, and in every respect excellent, tribute to the memory of our friend, speaks thus :

" I formed Mr. Pomeroy's acquaintance many years ago, as far back, I think, as 1876; and after he became Professor in the Hastings Law School, in California, in 1878, I saw a great deal of him. In manners he was gentle, courteous, and so unassuming as to exhibit a disposition to avoid rather than to seek observation. In conversation he was always instructive and interesting, his mind being stored with varied and extended knowledge. He had an unusually happy way of presenting and illustrating legal principles. This power made him a most attractive and successful teacher. His students who attended his lectures were inspired by him with enthusiasm for the profession. In the power to create that feeling he had no superior. His own high view of his vocation as a teacher may be seen by the following language from his inaugural address as Professor of Municipal Law. He said : ' We shall have miserably failed in our vocation as instructors, if we do not succeed in turning some minds away from the heedless race for mere gain to a love for truth, justice and equity, as they are illustrated and embodied in the living jurisprudence of the State and Nation ; if we do not lead them to recognize that jurisprudence as the best exponent and stimulus of civilization ; if we do not prompt them to labor for its improvement and perfection.' It is impossible, within the limits of a letter, to point out the special merits of his numerous publications. As already stated, they embrace nearly every branch of jurisprudence—common law, municipal law, constitutional law and international law ; and in each he presents new views and illustrations of the subject, rendering its study more attractive. His greatest work, and the one on which his reputation will



chiefly rest, is his treatise on Equity Jurisprudence. It exhibits immense labor in the examination of the adjudged cases, and it presents what the author intended, in the clearest light, those principles which lie at the foundation of equity, and which are the sources of its doctrines and rules. Story's treatise on the same subject, published nearly fifty years before, was invaluable to the profession. Mr. Pomeroy's treatise exhibits equal ability and learning, with the advantage of the great number of decisions on subjects of that jurisprudence, since the publication of Story's work. It at once took its place as a standard text-book, and has ever since been cited by lawyers and judges as accurately stating the law. Greater praise than this could not be given."\*

Mr. President and Gentlemen of the Council: I have reviewed in a few words the brief but wonderful career of a literary genius distinguished in the three-fold capacity of lawyer, teacher and author. To become a great lawyer, and hear one's name favorably spoken in the same breath with Blackstone and Kent and Greenleaf and Story, is a distinction accorded to few in our profession for more than a century. To win and retain the confidence, the esteem, the affectionate regard of class after class for two decades, in lessening to these promiscuous communities of young men, year out and year in, what Blackstone speaks of, as—

His store  
Of mystic, dark, discordant lore; †

to instruct in a way to justly merit the commendation so beautifully and forcibly expressed by Mr. Justice Sawyer, HE TOUCHED NO BRANCH OF THE LAW THAT HE DID NOT ILLUMINATE AND MAKE CLEAR—to do this is indeed accom-

\*The Appendix contains the tributes of Judges Field, Deady and Sawyer, President Woolsey and Professor Theodore S. Woolsey, in full, to which in the Index reference is made.

† "The Lawyer's Farewell to His Muse."

plishment in the art of teaching that entitles our friend to first rank in that noble profession. To have wrought out, moreover, in so brief a period, the remarkable series of legal works which he did, works so much commended, and by authority so high; to have left to his patrons and friends, in confirmation of their high estimation of his genius and ability, the inheritance of a published work on the noblest branch of our national jurisprudence; a work concerning the praises of which the learned Associate Justice Field has approvingly said, GREATER PRAISE THAN THIS COULD NOT BE GIVEN; to have been dubbed an eminent publicist by the venerable, erudite President *Emeritus* of Yale University, himself one of the first publicists of the country—such are the *criteria* of celebrated authorship; such the true elements of literary fame. Mr. Justice Deady, in his tribute to Professor Pomeroy, has therefore well said: THE UNIVERSITY OF THE CITY OF NEW YORK HONORS ITSELF BY GIVING HIS PICTURE A PLACE IN ITS GALLERY OF WORTHIES.

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I would say no more, close here, and lodge my humble tribute to the dead Professor in your archives, to be further verified, if need be, by the voices and verdict of posterity.—But hard by there is a fresher grave, upon which, could the life-like portrait speak, it would bid me now to cast a garland. It is the grave of your esteemed associate in this Council, President of the Faculty of Law, the early patron, the steadfast friend, the constant benefactor of Professor Pomeroy, the late AARON J. VANDERPOEL. But for the interposition of this benevolent man, the development of genius, the marvelous success of Mr. Pomeroy, would hardly have been possible. To such an extent did Mr. Vanderpoel

participate in the struggles and fortunes of Professor Pomeroy for a score of years, that he could have appropriated with modesty and propriety, the language Virgil puts into the mouth of father Æneas in narrating the fabled wonders of Ilium,

Et quorum pars magna fui.\*

It was he who first perused and commended his Introduction to Municipal Law. It was he who took the tyro author encouragingly by the hand, conducting him to his first professorship, the chair of Municipal Law in this University. It was he who, forever in after years,

“Where’er his dwelling, or whate’er his lot,”

was presently ready with his good cheer and support, to gladden the heart and further the high aims of him he had set out to befriend. Such was the friendship of *alumnus* VANDERPOEL, and such its uniform constancy. He was a man whose generous impulses were known full well to you; a man who, all the way through a busy life to the very end, found the time and embraced the opportunity to speak encouraging words, to do voluntary acts of disinterested kindness, to bestow gratuitous favors upon his brethren at the bar, to aid in the faculties, the councils and other associations and boards of his *alma mater*, to an extent and in a degree which precludes, I fear, successful rivalry on the part of most of us who survive him.

Noble PATRON of our honored TEACHER—  
Rival of illustrious Roman sires!  
May the earth be light upon your ashes;  
May fragrant flowers bloom around your urn;  
And there may perpetual spring abide.†

\* Æneïd, Liber II., 6.

† Compare:

Di, majorum umbris tenuem et sine pondere terram  
Spirantesque crocos et in urna perpetuum ver,  
Qui præceptorem sancti voluere parentis  
Esse locc!—JUVENAL, Satire VII., 207.

I close the performance of my grateful duty on this occasion by presenting to you, the Council of the University of the City of New York, the MEMORIAL PORTRAIT of JOHN NORTON POMEROY, LL.D., formerly Dean of our Law Faculty. This I do on behalf of the ALUMNI of our Law School and other FRIENDS who united in providing the Memorial, and at their request, and also by your invitation, communicated to me by the learned Vice-Chancellor, REV. HENRY M. MACCRACKEN, D.D.

# APPENDIX.



## BIOGRAPHICAL SKETCH OF PROF. POMEROY.

FURNISHED, ON REQUEST, BY HIS SON, CARTER P. POMEROY  
OF THE SAN FRANCISCO BAR.

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PROF. POMEROY was born on the 12th of April, 1828, in Rochester, N. Y. His father, Enos, born in 1791, was one of the early settlers of Rochester, having removed thither in 1816. He was also one of the pioneer lawyers of Western New York. For many years he was Surrogate of Monroe County.

Prof. Pomeroy's ancestors, on both his father's and his mother's side, lived for several generations in Connecticut and Western Massachusetts. On his mother's side he was descended from Pres. Clap of Yale College, and Governor Pitkin of Connecticut.

Prof. Pomeroy was prepared for College at the Rochester High School, then under the able management of Dr. Chester Dewey. He entered Hamilton College in 1843, at the age of fifteen. One of his classmates, and a life-long friend, was Senator Hawley of Connecticut. He left college a short time before the graduation of his class, and taught for some months in the Rochester High School. Leaving Rochester, he took charge, for the space of three years, of the academy in Lebanon, Ohio, near Cincinnati. While thus employed, he studied law with Senator Thomas Corwin, a resident of Lebanon. On his return to Rochester he entered the office of Judge Henry R. Selden. He was admitted to the bar in 1851, and practiced in Rochester until 1860. In 1860 he removed to New York City, and in 1861, shortly after the outbreak of the war, took charge of the academy at Kingston, N. Y., the oldest in the State. From this time on, his time was largely, and from 1873 till his death, chiefly, devoted to writing on legal and political subjects. His first treatise, "Municipal Law," was published in 1864. A year later he received the degree of LL.D. from Hamilton College.

In 1864 he was called to the University Law School. In 1870 he returned to Rochester and resumed the practice of the law. After

the first two years of his final residence there, however, his time was devoted almost exclusively to writing. In 1878 he was called to the Professorship of Municipal Law in the Hastings Law College of the University of California, which had been established in that year. This position he held until his death. During the last two or three years of his life he was engaged on a few large and important cases, notably the famous Débris case and the Railroad Tax cases, both before the U. S. Circuit Court of California. At the same time he was editor of the "West Coast Reporter." His death occurred, from pneumonia, after a week's illness, on the 25th of February, 1885.

In addition to the treatises mentioned below, Prof. Pomeroy's writings included numerous contributions to the *North American Review*, to the *American Law Review*, and to *The Nation*; also the majority of the legal articles in *Johnson's Encyclopædia*.

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## LIST OF PROFESSOR POMEROY'S LEGAL WORKS.

FURNISHED BY CARTER P. POMEROY.

1. An Introduction to Municipal Law. Designed for General Readers, and for Students in Colleges and Higher Schools. 1864. Second Ed., 1883.
2. An Introduction to the Constitutional Law of the United States. Especially designed for Students, general and professional. 1868. Ninth Ed., revised and enlarged by Edmund H. Bennett, LL.D., Dean of the Boston University Law School, 1886.
3. Sedgwick's Statutory and Constitutional Law. Second Ed., with Notes by J. N. P., 1874.
4. Remedies and Remedial Rights by the Civil Action, according to the Reformed American Procedure. A treatise adapted to use in all the States and Territories where that system prevails.



5. A Complete Practical Treatise on Criminal Procedure, Pleading and Evidence, in Indictable Cases, by J. F. Archbold. Eighth Ed., containing all of the American and English decisions to the date of publication. By J. N. P. In 2 vols. 1877.
6. A Treatise on the Specific Performance of Contracts as it is enforced by Courts of Equitable Jurisdiction in the United States of America. 1879.
7. A Treatise on Equity Jurisprudence, as Administered in the United States of America; adapted for all the States, and to the Union of Legal and Equitable Remedies under the Reformed Procedure. In 3 vols. Vol. I., 1881; Vol. II., 1882; Vol. III., 1883.
8. Lectures on International Law in the Time of Peace. Edited by Theodore S. Woolsey. 1886.

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LETTER FROM STEPHEN J. FIELD, LL.D., ASSOCIATE  
JUSTICE OF THE SUPREME COURT OF  
THE UNITED STATES.

CHAUNCEY B. RIPLEY, Esq.,

Washington, D. C.,

February 22, 1888.

Dear Sir :

Some weeks since I received your note asking me to make a slight offering or tribute to the memory of our friend, the late Professor John Norton Pomeroy, in the form of a letter, specifying briefly whatever I might think proper to say of "his genius and other merits," the result of my own observation "in personal intercourse or from his published works."

My engagements have hitherto prevented me from attempting to comply with your request. Indeed, adequate justice could not be done to the merits of our late friend within the limits prescribed by your note. His labors were so varied and extended, and his published works so numerous, embracing nearly every branch of jurisprudence, that it would require a lengthy essay to present even the briefest sketch of them.

I formed Mr. Pomeroy's acquaintance many years ago, as far back, I think, as 1876; and after he became Professor in the Has-

tings Law School in California, in 1878, I saw a great deal of him. In manners he was gentle, courteous, and so unassuming as to exhibit a disposition to avoid rather than to seek observation. In conversation he was always instructive and interesting, his mind being stored with varied and extended knowledge. He had an unusually happy way of presenting and illustrating legal principles. This power made him a most attractive and successful teacher. The students who attended his lectures were inspired by him with enthusiasm for the profession. In the power to create that feeling he had no superior. His own high view of his vocation as a teacher may be seen by the following language from his inaugural address as Professor of Municipal Law. He said: "We shall have miserably failed in our vocation as instructors, if we do not succeed in turning some minds away from the heedless race for mere gain to a love for truth, justice and equity, as they are illustrated and embodied in the living jurisprudence of the State and Nation; if we do not lead them to recognize that jurisprudence as the best exponent and stimulus of civilization; if we do not prompt them to labor for its improvement and perfection."

His work entitled "An Introduction to Municipal Law," was admirably fitted to increase the interest of his students in the profession. The work was designed, as the author states, not to take the place of the treatise of Blackstone, or the lectures of Kent, in our institutions, but to furnish a general outline of municipal law—its principles and history—with which every well-educated citizen should be acquainted; and yet it is full of instruction to professional students and practicing lawyers.

It is impossible within the limits of a letter to point out the special merits of his numerous publications. As already stated, they embrace nearly every branch of jurisprudence—common law, municipal law, constitutional law, and international law; and in each he presented new views and illustrations of the subject, rendering its study more attractive.

In the consideration and elucidation of every subject, he brought to bear established principles without the slightest prejudice from past traditions, or undue reverence for old forms and opinions. This is especially seen in his treatise on "Remedies and Remedial Rights by the Civil Action, according to the Reformed American Pro-

cedure." The work is what the author intended it should be : "A scientific and practical treatise of the fundamental principles and essential elements of the civil action, as the instrument for administering justice, established by the reformed procedure in all the code States of our own country, and in England and many of the British Colonies." It has become a standard treatise on the subject and is in general use by the profession, for, as the author truly states, the reformed procedure is no longer an experiment. It has almost become, what he said it was certain to be, universal wherever the common law and equity jurisprudence prevail. The perusal of this treatise creates surprise that any judges or lawyers should still desire to adhere in the administration of justice to the old forms, with their senseless verbiage and repetitions.

His greatest work, and the one on which his reputation in the future will chiefly rest, is his treatise on Equity Jurisprudence. It exhibits immense labor in the examination of the adjudged cases ; and it presents what the author intended "in the clearest light, those principles which lie at the foundation of equity, and which are the sources of its doctrines and rules." Story's treatise on the same subject, published nearly fifty years before, was invaluable to the profession. Mr. Pomeroy's treatise exhibits equal ability and learning, with the advantage of the great number of decisions on subjects of that jurisprudence since the publication of Story's work. It at once took its place as a standard text-book, and has been ever since cited by lawyers and judges as accurately stating the law. Greater praise than this could not be given.

A few weeks before Mr. Pomeroy's death he wrote to me that he intended to devote portions of his time for some years to a work on the Constitution of the United States, a work for jurists and statesmen, as well as for the profession. Those who knew his learning, his industry, and his intellectual capacity, will greatly regret the loss of such a work as he was capable of producing, and which, had he lived, he undoubtedly would have added to the literature of the law. That he was prevented from executing his intention adds a new pang to the sorrow all feel at his death.

I am, very sincerely yours,

STEPHEN J. FIELD.

LETTER FROM THE HON. MATTHEW P. DEADY, LL.D.,  
UNITED STATES CIRCUIT JUDGE.

Portland, Or.,

January 24th, 1888.

MR. CHAUNCEY B. RIPLEY,

My Dear Sir :

Your favor of the 17th inst. is at hand, and I hasten to comply with your request.

My personal acquaintance with Professor Pomeroy was limited. He assisted in the argument of the great *Débris* case (*Woodruff vs. North Bloomfield G. M. Co.*, 9 Saw., 441), before Judge Sawyer and myself, in the fall of 1883, and I think it was the general opinion of those who heard him, as I know it was of the judges whom he addressed, that his argument was a masterly and exhaustive presentation of a great case.

However, his books are the best evidence of his attainments and ability. They are a living and lasting monument to his fame.

In his great work on *Equity*, he took up the subject where Story left it fifty years ago, and analyzed and sifted the judicial deposits of these active and eventful years, and wrought them into a systematic work, in which every doctrine and question pertaining to the wide domain of equitable rights and relief is stated with clearness, accuracy and brevity, with the relevant authorities admirably grouped and condensed in the notes.

His premature death was a great loss to the higher legal education on this coast.

The University of the City of New York honors itself by giving his picture a place in its gallery of worthies.

I shall be pleased to receive a copy of your address.

Very truly yours,

MATTHEW P. DEADY.

LETTER FROM THEODORE SALISBURY WOOLSEY,  
PROFESSOR OF INTERNATIONAL LAW,  
YALE LAW SCHOOL.

New Haven,

January 30th, 1888.

CHAUNCEY B. RIPLEY, ESQ.,

My Dear Sir :

I am deeply interested in the proposed portrait of Professor Pomeroy to be given to the University of the City of New York, with an address by yourself, and hope the occasion may be a memorable one. I thank you also for the opportunity of a word in his praise. My father, President Woolsey, I regret to say, is not in a state of health to do more than express through me his high appreciation of Professor Pomeroy's abilities, and of his eminence as a publicist.

My own acquaintance with him, unfortunately, is of the slightest, and that at a time when he was not well and much fatigued with his labors in teaching and in practice. Even under these circumstances, however, his wide reading and his thoroughly *literary* character impressed me.

Afterwards, when I came to read the manuscript of his last published volume—clear, orderly, like his way of thinking—I learned to know him better. What most struck me was his philosophical habit of mind.

The system of International Law has been built upon a framework of natural right, filled out by precedents of usage and law.

Some publicists are inclined to spin out attractive theories of natural justice with too little regard for precedent; others to follow precedents slavishly, with too little thought of the principles of natural right. It is rare, I think, that a man has avoided both mistakes—has approached his topic from both points of view so successfully as our eminent friend.

Leaving to others the pleasant task of emphasizing Professor Pomeroy's merits in the practice of the law and in other lines of study, I simply desire to testify to my own sincere admiration for his contributions to the study of the Law of Nations.

I should be much pleased to receive a copy of the address to accompany the presentation. As I am to leave for California in a few days I shall not have the pleasure of listening to it.

Faithfully yours,

THEODORE SALISBURY WOOLSEY.

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LETTER FROM HON. LORENZO SAWYER, UNITED  
STATES CIRCUIT JUDGE.

San Francisco, Cal.,  
January 28th, 1888.

CHAUNCEY B. RIPLEY, Esq.,  
New York, N. Y.,

Sir :

In response to your request for some tribute to the memory of the late distinguished professor of law in Hastings Law College—a department of the State University of California—John Norton Pomeroy, LL.D., I take pleasure in saying that it was my good fortune to be personally acquainted with Prof. Pomeroy during his residence in this State, and while he was discharging his duties as Professor at the institution referred to.

Prof. Pomeroy loved the law, and he devoted his life to maturing the science, and the elucidation of its principles for the benefit of others. He was a patient, persistent, conscientious, thorough and able investigator. He touched no branch of the law that he did not illuminate and make clear to the comprehension of all seeking information in the line of his labors. His works, and especially his work on Equity Jurisprudence, are exhaustive and eminently satisfactory. They should, and they doubtless will, find a place on the shelves of every law library, public or private, in the country. Indeed they are the first books that a young attorney of limited means will require. Pomeroy's Equity Jurisprudence is of itself a good library of equity law.

Prof. Pomeroy was a popular, as well as an unusually able and successful instructor in the law. His pupils loved and revered him. It is highly probable—and it is no disparagement of others

to say so—that a long time will elapse before his chair will in all particulars be wholly filled.

During the later years of his life, Prof. Pomeroy occasionally appeared in the United States Circuit Court as counsel, to argue cases of great public interest, involving large amounts, and principles of the utmost importance to the people of the State. Like his works upon the law, his arguments were always lucid, exhaustive, and eminently instructive—such arguments as courts desire to hear when great interests and great and far-reaching principles are involved.

Allow me to close by expressing my gratification at the course pursued by the Council of the University of the City of New York, in causing a memorial address to be delivered in honor of our late eminent law writer, professor and citizen, so worthy that high distinction.

Respectfully yours,

LORENZO SAWYER.

# REPORT OF THE EXECUTIVE COMMITTEE OF THE ALUMNI ASSOCIATION OF THE UNIVERSITY LAW SCHOOL.

New York City, March 4th, 1888.

*The Report of the Executive Committee of the Law School respecting a Memorial Portrait of Professor Pomeroy*.—Some months since the Executive Committee of the Alumni of this school, on the suggestion of several of Professor Pomeroy's graduates, resolved to procure a portrait of their friend and former instructor, John Norton Pomeroy, to be presented to the authorities of the University and suspended in the Chancellor's Room the Portrait Gallery of the Institution. Leave having been first obtained of the Council, the funds necessary were readily raised by subscription. Annexed is a list of the names of those subscribing, some of whom are friends of the Professor, but not alumni. A Crayon was decided upon as preferable to a Painting, because in paintings the presence of the living subject is essential, for many reasons. The Committee decided, after considerable deliberation and examination of other work, to award the execution of the Memorial to SARONY. They, as well as Mrs. Pomeroy, are much gratified with the result.

The Committee express their thanks for the aid they have had from Mrs. Pomeroy and her sons in providing photographs and supervising the execution of the work of art.


CHAUNCEY B. RIPLEY, *Chairman*.  
M. H. DILLENBECK, *Secretary*.

|                     |                         |
|---------------------|-------------------------|
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| M. H. DILLENBECK,   |                         |
| DAVID TOMLINSON,    |                         |

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Extract from the Minutes of the Executive Committee of the ALUMNI ASSOCIATION of the Law School of the University of the City of New York :

- (1.) On motion, the Secretary of the Executive Committee is authorized to invite to the Presentation exercises the subscribers to the fund and any others in his discretion :
  - (2.) To furnish the Subscribers to the Memorial Fund, the Members of the Council and any others he may deem interested in the PROF. POMEROY MEMORIAL, a copy of the Presentation Address.
- 

The presentation of the MEMORIAL PORTRAIT was made on the evening of May 7th, 1888, to the Council of the University, in the Chancellor's Room, University Building, Washington Square.

After the Presentation Address, the President of the Council, CHARLES BUTLER, LL.D., responded as follows :

MR. RIPLEY :

In behalf of the Council of the University of the City of New York, I accept this Memorial Portrait of the late John Norton Pomeroy, LL.D., for many years Dean of its Law Faculty, which the Alumni have had painted and now present to the Council.

The Council recognize in the eloquent and touching words in which you have made this gift, the feelings of affection and appreciation which have moved the Alumni; so honorable to them, and so just to him whose memory they cherish with such loving regard.

The Council responds, and are in perfect accord and sympathy with the Alumni in their tribute to Professor Pomeroy, as an able expounder of the law, and for his invaluable contributions to the jurisprudence of our country, in his various published works referred to by you.

The Council will meet the wishes of the Alumni, and gratify their own, by placing this portrait on the walls of this chamber by the side of others, who have won distinction and renown, as Professors and Teachers in different departments of the University, and who, like him, have passed away from this scene of their earthly labors.



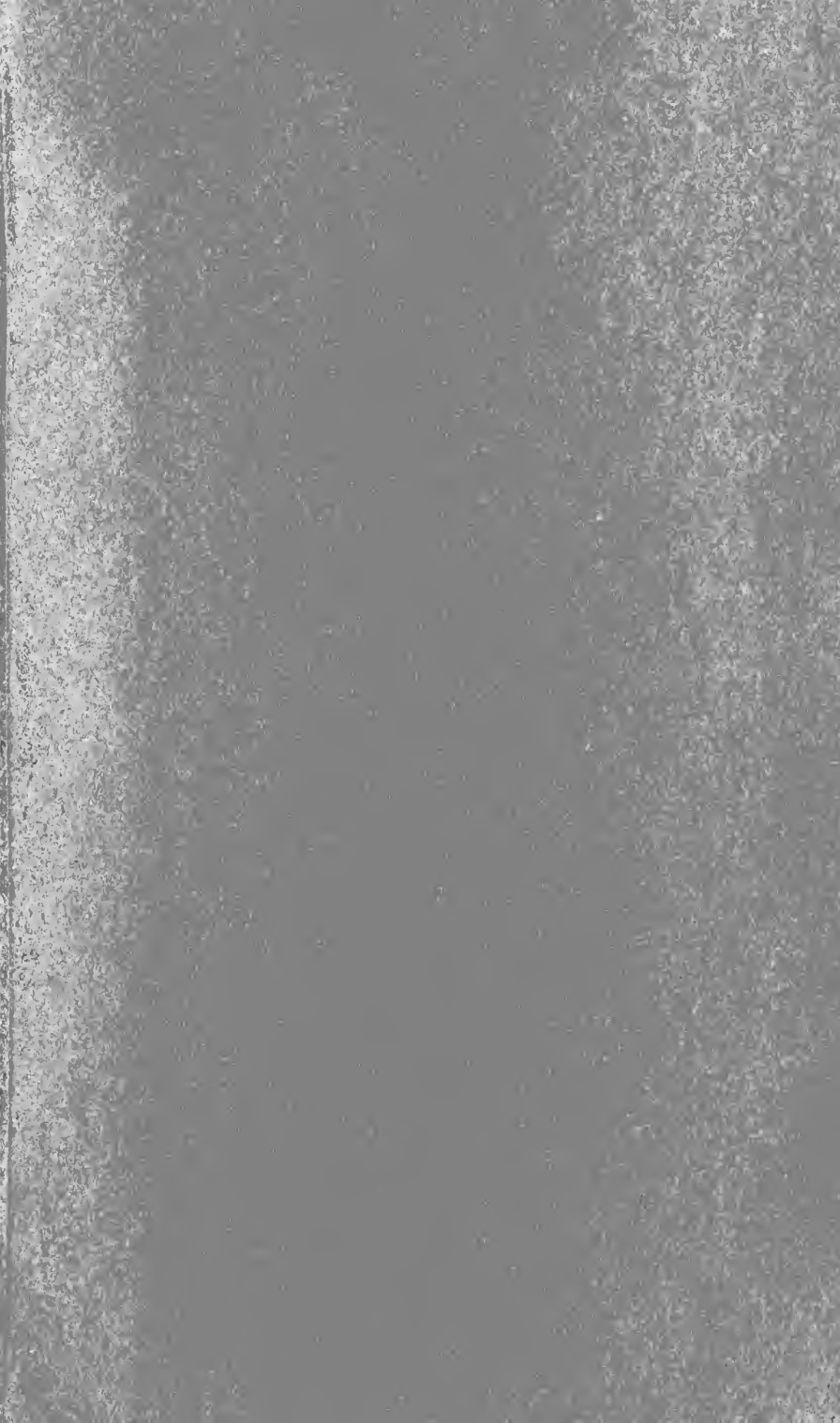
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